

Senate Study Bill 1308

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CO=CHAIRPERSON COURTNEY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the establishment of state and school
2 antiharassment or antibullying policies, providing data
3 collection and reporting requirements, and providing for
4 immunity and other related matters.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1615XC 81
7 kh/cf/24

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1 1 Section 1. Section 280.12, subsection 2, Code 2005, is
2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. Harassment or bullying prevention
1 4 goals, programs, training, and other initiatives.
1 5 Sec. 2. NEW SECTION. 280.28 HARASSMENT AND BULLYING
1 6 PROHIBITED == POLICY == IMMUNITY.
1 7 1. PURPOSE == FINDINGS == POLICY. The state of Iowa is
1 8 committed to providing all students with a safe and civil
1 9 school environment in which all members of the school
1 10 community are treated with dignity and respect. The general
1 11 assembly finds that a safe and civil school environment is
1 12 necessary for students to learn and achieve at high academic
1 13 levels. Harassing and bullying behavior can seriously disrupt
1 14 the ability of school employees to maintain a safe and civil
1 15 environment, and the ability of students to learn and succeed.
1 16 Therefore, it is the policy of the state of Iowa that school
1 17 employees, volunteers, and students in Iowa schools shall not
1 18 engage in harassing or bullying behavior.
1 19 2. DEFINITIONS. For purposes of this section, unless the
1 20 context otherwise requires:
1 21 a. "Harassment" and "bullying" shall be construed to mean
1 22 the same and mean any conduct toward a student that is based
1 23 on any actual or perceived trait or characteristic of the
1 24 student and that creates an objectively hostile school
1 25 environment which meets any of the following conditions:
1 26 (1) Places the student in reasonable fear of harm to the
1 27 student's person or property.
1 28 (2) Has a substantially detrimental effect on the
1 29 student's physical or mental health.
1 30 (3) Has the effect of substantially interfering with a
1 31 student's academic performance.
1 32 (4) Has the effect of substantially interfering with the
1 33 student's ability to participate in or benefit from the
1 34 services, activities, or privileges provided by a school.
1 35 b. "Trait or characteristic of the student" includes, but
2 1 is not limited to, age, color, creed, national origin, race,
2 2 religion, marital status, sex, sexual orientation, gender
2 3 identity, physical attributes, physical or mental ability or
2 4 disability, ancestry, political party preference,
2 5 socioeconomic status, or familial status.
2 6 3. POLICY. On or before January 1, 2006, the board of
2 7 directors of a school district and the authorities in charge
2 8 of each accredited nonpublic school shall adopt a policy
2 9 declaring harassment and bullying in schools, on school
2 10 property, and at any school function, or school-sponsored
2 11 activity regardless of its location, in a manner consistent
2 12 with this section, as against state and school policy. The
2 13 board and the authorities shall make a copy of the policy
2 14 available to all school employees, volunteers, students, and

2 15 parents and shall take all appropriate steps to bring the
2 16 policy against harassment and bullying, and the
2 17 responsibilities set forth in the policy to the attention of
2 18 school employees, volunteers, students, and parents. Each
2 19 policy shall, at a minimum, include all of the following
2 20 components:

- 2 21 a. A statement declaring harassment and bullying to be
2 22 against state and school policy. The statement shall include,
2 23 but not be limited to, the following provisions:
 - 2 24 (1) School employees, volunteers, and students in school,
2 25 on school property, or at any school function or school=
2 26 sponsored activity shall not engage in harassing and bullying
2 27 behavior.
 - 2 28 (2) School employees, volunteers, and students shall not
2 29 engage in reprisal, retaliation, or false accusation against a
2 30 victim, witness, or an individual who has reliable information
2 31 about such an act of harassment or bullying.
- 2 32 b. A definition of harassment and bullying that is no less
2 33 inclusive than the definition set forth in this section.
- 2 34 c. A description of the type of behavior expected from
2 35 school employees, volunteers, and students relative to
3 1 prevention measures, reporting, and investigation of
3 2 harassment or bullying.
- 3 3 d. The consequences and appropriate remedial action for a
3 4 person who violates the harassment and bullying policy.
- 3 5 e. A procedure for reporting an act of harassment or
3 6 bullying, including the identification by job title of the
3 7 school official responsible for ensuring that the policy is
3 8 implemented, and the identification of the person or persons
3 9 to whom reports of harassment or bullying shall be submitted.
- 3 10 f. A procedure for the prompt investigation of complaints,
3 11 either identifying the school principal, or the principal's
3 12 designee as the individual responsible for conducting the
3 13 investigation, including a statement that investigators will
3 14 consider the totality of circumstances presented in
3 15 determining whether conduct objectively constitutes harassment
3 16 or bullying under this section.
- 3 17 g. A statement of the manner in which the policy will be
3 18 publicized.

3 19 4. PROGRAMS ENCOURAGED. The board of directors of a
3 20 school district and the authorities in charge of each
3 21 accredited nonpublic school are encouraged to establish
3 22 programs designed to eliminate harassment and bullying in
3 23 schools. To the extent that funds are available for these
3 24 purposes, school districts and accredited nonpublic schools
3 25 shall do the following:

- 3 26 a. Provide training on harassment and bullying policies to
3 27 school employees and volunteers who have significant contact
3 28 with students.
- 3 29 b. Develop a process to provide school employees,
3 30 volunteers, and students with the skills and knowledge to help
3 31 reduce incidents of harassment and bullying.

3 32 5. IMMUNITY. A school employee, volunteer, or student, or
3 33 a student's parent or guardian, who promptly, reasonably, and
3 34 in good faith reports an incident of harassment or bullying,
3 35 in compliance with the procedures in the policy adopted
4 1 pursuant to this section, to the appropriate school official
4 2 designated by the school district or accredited nonpublic
4 3 school, shall be immune from civil or criminal liability
4 4 relating to such report, as well as for participating in any
4 5 administrative or judicial proceeding resulting from or
4 6 relating to the report.

4 7 6. COLLECTION REQUIREMENT. The board of directors of a
4 8 school district and the authorities in charge of each
4 9 nonpublic school shall develop and maintain a system to
4 10 collect harassment and bullying incidence data.

4 11 7. INTEGRATION OF POLICY AND REPORTING. The board of
4 12 directors of a school district and the authorities in charge
4 13 of each nonpublic school shall integrate its antiharassment
4 14 and antibullying policy into the comprehensive school
4 15 improvement plan required under section 256.7, subsection 21,
4 16 and shall report data collected under subsection 6, as
4 17 specified by the department to the local community.

4 18 8. EXISTING REMEDIES NOT AFFECTED. This section shall not
4 19 be construed to preclude a victim from seeking administrative
4 20 or legal remedies under any applicable provision of law.

4 21 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
4 22 with section 25B.2, subsection 3, the state cost of requiring
4 23 compliance with any state mandate included in this Act shall
4 24 be paid by a school district from state school foundation aid
4 25 received by the school district under section 257.16. This

4 26 specification of the payment of the state cost shall be deemed
4 27 to meet all the state funding-related requirements of section
4 28 25B.2, subsection 3, and no additional state funding shall be
4 29 necessary for the full implementation of this Act by and
4 30 enforcement of this Act against all affected school districts.

4 31 EXPLANATION

4 32 This bill relates to harassment and bullying of elementary
4 33 and secondary school students and establishes a state policy
4 34 that school employees, volunteers, and students in Iowa
4 35 schools shall not engage in harassing or bullying behavior.

5 1 The bill adds to the list of school improvement advisory
5 2 committee recommendation areas, that school districts and
5 3 schools must consider the committees' recommendations
5 4 regarding harassment or bullying prevention goals, programs,
5 5 training, and other initiatives.

5 6 The bill defines "harassment" and "bullying" to mean any
5 7 conduct toward a student that is based on any actual or
5 8 perceived trait or characteristic, which is also defined in
5 9 the bill; creates an objectively hostile education
5 10 environment; and meets any of the conditions specified in the
5 11 bill.

5 12 The bill requires school boards and accredited nonpublic
5 13 schools to have a policy in place by January 1, 2006, that
5 14 states that school employees, volunteers, and students shall
5 15 not engage in harassing or bullying behavior. The policy must
5 16 be distributed to all concerned, define harassment and
5 17 bullying, describe the behavior expected from all concerned,
5 18 describe the consequences and appropriate remedial action for
5 19 violation of the policy, include a procedure for reporting
5 20 incidents, identify to whom reports shall be made, include a
5 21 procedure for the prompt investigation of complaints, and list
5 22 a range of sanctions and remedial actions that can be taken
5 23 with regard to confirmed incidents. The policy also must
5 24 prohibit reprisal, retaliation, or false accusation against a
5 25 victim, witness, or an individual who has reliable information
5 26 about an act of harassment or bullying.

5 27 The bill encourages school boards and schools to establish
5 28 programs designed to eliminate harassment and bullying in
5 29 schools, to provide training on harassment and bullying
5 30 policies, and to develop a process to help reduce incidents of
5 31 harassment and bullying.

5 32 The bill provides immunity from civil or criminal liability
5 33 to school employees, volunteers, and students and their
5 34 parents who report an incident of harassment or bullying
5 35 promptly, reasonably, and in good faith. Existing
6 1 administrative or legal remedies available to a victim are
6 2 unaffected by the provisions of the bill. The bill requires
6 3 schools to integrate their policies into their comprehensive
6 4 school improvement plans, which are submitted to the
6 5 department, and requires that data collected for the plan be
6 6 reported to the local community.

6 7 The bill may include a state mandate as defined in Code
6 8 section 25B.3. The bill requires that the state cost of any
6 9 state mandate included in the bill be paid by a school
6 10 district from state school foundation aid received by the
6 11 school district under Code section 257.16. The specification
6 12 is deemed to constitute state compliance with any state
6 13 mandate funding-related requirements of Code section 25B.2.
6 14 The inclusion of this specification is intended to reinstate
6 15 the requirement of political subdivisions to comply with any
6 16 state mandates included in the bill.

6 17 LSB 1615XC 81

6 18 kh:rj/cf/24.2